

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
) Case No. 1:04-CR-49
v.)
)
) Chief Judge Curtis L. Collier
BRIAN PATRICK ALLEN)
)

ORDER

On April 14, 2011, Defendant filed a “Motion for Pretrial Psychiatric and/or Psychological Examination” (Court File No. 32). United States Magistrate Judge Susan K. Lee granted Defendant’s motion and ordered a mental health evaluation (Court File No. 35). The forensic report regarding the evaluation shows Defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or properly assist in his defense, and he is competent to stand trial (Court File No. 43). Defendant has waived his right to a competency hearing (Court File No. 39).

Based upon this information, Magistrate Judge Lee has submitted a Report and Recommendation (“R&R”), recommending this Court find Defendant competent to stand trial (Court File No. 42). Neither party filed an objection. Therefore, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee’s R&R (Court File No. 42), pursuant to 28 U.S.C. § 636(b)(1), and **DETERMINES** Defendant is competent to stand trial.

SO ORDERED.

ENTER:

/s/

**CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE**